

FILED

MAR 14 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DOMINGO JASSO, JR.,

Defendant - Appellant.

No. 04-50276

D.C. No. CR-03-00598-JFW

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
John F. Walter, District Judge, Presiding

Submitted March 8, 2006^{**}

Before: CANBY, BEEZER and KOZINSKI, Circuit Judges.

Domingo Jasso, Jr. appeals from his guilty-plea conviction and 121-month sentence for being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), and use of a firearm during a crime of violence, in violation of 18

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

U.S.C. § 924(c).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Jasso has filed a brief stating there are no grounds for relief, and a motion to withdraw as counsel of record. Jasso has not filed a pro se supplemental brief.

Our examination of the brief and independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83 (1988), disclose no grounds for relief. Also, the record indicates that Jasso knowingly and voluntarily waived his right to appeal his sentence. We will enforce the waiver because Jasso was sentenced within the terms of the plea agreement. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000) (stating that an appeal waiver is valid when it is entered knowingly and voluntarily); *see also United States v. Cardenas*, 405 F.3d 1046, 1048 (9th Cir. 2005) (noting that the changes in sentencing law imposed by *United States v. Booker*, 543 U.S. 220 (2005), did not render waiver of appeal involuntary and unknowing).

Counsel's motion to withdraw is **GRANTED**, the appeal of the conviction is **AFFIRMED**, and the appeal of the sentence is **DISMISSED**.

Jasso's unopposed motion for limited remand to the district court to correct the spelling of his name in the Judgment and Commitment Order is granted.